

**TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE**



**FISCAL NOTE**

**HB 1857 – SB 1998**

February 22, 2016

**SUMMARY OF BILL:** Authorizes clerks in courts where electronic filing, signing, or verification of papers has been authorized by local rule and in accordance with Rule 5B of the Tennessee Rules of Civil Procedure to assess a transaction fee for each party to the case not to exceed \$5 per filing or \$50 per case.

As an alternative to a transaction fee, clerks are authorized to assess an annual subscription fee for each registered user of the electronic filing system. Requires the annual subscription fee to permit the registered user to unlimited filing for a one-year period and to be set in an amount necessary to defray the expenses associated with implementation and maintenance of the electronic filing and document retrieval system in an amount that shall not exceed \$300. The electronic filing transaction fee or subscription fee should not limit the clerk's statutory authority to charge subscription fees or transaction fees for obtaining copies of documents maintained by the clerk as part of an electronic filing system of a separate document management system.

Requires fees to not be assessed against a party or a party's legal representative that has been declared indigent.

Requires fees to not be assessed against the state, and notwithstanding any local court rule, prohibits courts from requiring the state or any department or contractor of the state to file documents electronically.

**ESTIMATED FISCAL IMPACT:**

**Increase Local Revenue – Exceeds \$15,000/Permissive**

**Assumptions:**

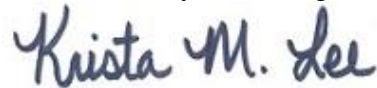
- Pursuant to Tenn. Code Ann. § 8-21-401(l), transaction fees and electronic filing subscription fees shall not be assessed against the state. Therefore, no impact to state government.
- This bill does not require court clerks to assess transaction or subscription fees. As a result, any impact to local government is considered permissive.

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- Pursuant to Tenn. Code Ann. § 8-21-401(o), court clerks are currently authorized to charge a one-time electronic subscription fee not to exceed \$120 per electronic filing system user and a copy transaction fee after the first request for a copy of any document not to exceed \$0.08 per page or \$2.10 per document.
- The number of courts currently assessing electronic transaction and subscription fees, the number of parties filing in each court, the number of parties electing to pay subscription fees in each court, and the current rate each court assesses transaction and subscription fees is unknown; however, the provisions of the bill would increase the assessed fee for copies of transactions and increase the electronic filing fee up to \$180 the first year and make the fee recurring in an amount not to exceed \$300 for subsequent years. The permissive increase in local revenue is reasonably estimated to exceed \$15,000 statewide.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in dark ink, reading "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

/amj